

CHARTER RESOLUTION
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK,
MARYLAND, AMENDING ARTICLE III “MAYOR AND COUNCIL”, §C3-6,
“VACANCIES” AND ARTICLE IV, “VOTING AND ELECTIONS” §C4-5,
“PETITIONS FOR CANDIDACY” TO ADOPT A PROCESS TO FILL THE OFFICES
OF MAYOR AND COUNCIL IN THE EVENT THERE IS NO QUALIFIED
CANDIDATE

A Charter Resolution of the Mayor and Council of the City of College Park, Maryland, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and Article 23A of the Annotated Code of Maryland (1957 edition, as amended).

WHEREAS, Article 23A, § 2(b)(29) of the Annotated Code of Maryland (1957 edition, as amended), authorizes the City to provide for municipal elections; and

WHEREAS, the Mayor and Council have determined that it is appropriate to adopt a process to fill the offices of Mayor and Council in the event there is no qualified candidate.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of College Park, Maryland, that:

Section 1. Article III, “Mayor and Council,” §C3-6 “Vacancies” be repealed, re-enacted and amended as follows:

§C3-6. Vacancies.

A. * * *

B. * * *

C. WHEN NO CANDIDATE QUALIFIES TO RUN FOR AN OFFICE. A VACANCY IS DECLARED IN THE EVENT THAT NO CANDIDATE QUALIFIES UNDER §C4-5 OF THE CHARTER TO RUN IN A GENERAL OR SPECIAL ELECTION FOR THE OFFICE OF MAYOR, OR FOR ONE OR MORE OF THE OFFICES OF COUNCILMEMBER. IN THAT EVENT, THE VACANCY MAY BE FILLED BY APPOINTMENT BY THE MAYOR AND

CAPS : Indicate matter added to existing law.

[Brackets] : Indicate matter deleted from law.

Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in Ordinance.

COUNCIL, BY MAJORITY VOTE. THE PROCESS WITH RESPECT TO APPOINTMENT TO OFFICE SET OUT IN SUBSECTION B(3) OF THIS SECTION SHALL APPLY TO APPOINTMENTS UNDER THIS SUBSECTION, EXCEPT AS OTHERWISE SET OUT HEREIN. IN ADDITION, THE REQUIRED APPLICATION SHALL INCLUDE A PETITION IN A FORM SATISFACTORY TO THE BOARD OF ELECTION SUPERVISORS CONTAINING THE NAMES, ADDRESSES AND SIGNATURES OF NOT LESS THAN 20 REGISTERED VOTERS RESIDING IN THE AFFECTED DISTRICT OR, IN THE CASE OF THE MAYOR, NOT LESS THAN 15 REGISTERED VOTERS FROM EACH DISTRICT IN THE CITY, INDICATING SUPPORT OF THE APPLICANT'S CANDIDACY. THE APPLICANT'S NAME AND SIGNATURE MAY APPEAR AND BE COUNTED TOWARD THE REQUIRED NUMBER ON ANY SUCH PETITION. APPOINTMENT OF A RESIDENT OF THE DISTRICT IN WHICH THE VACANCY EXISTS IS PREFERRED, BUT NOT REQUIRED. THE COUNCIL MAY DETERMINE NOT TO APPOINT ANY APPLICANT TO A VACANCY, THEREBY LEAVING THE OFFICE VACANT UNTIL THE NEXT GENERAL ELECTION.

Section 2. BE IT RESOLVED by the Mayor and Council of the City of College Park, Maryland, that Article IV, "Voting and Elections" §C4-5, "Petitions for candidacy" be repealed, re-enacted and amended as follows:

§C4-5 Petitions for candidacy; employees

A. through C. * * * *

D. No candidacy petitions or authorizations shall be considered valid unless received by the City Clerk before 5:00 p.m. on the 46th day, including Saturdays, Sundays and legal holidays,

prior to the election. IN THE EVENT THAT NO QUALIFIED CANDIDATE FILES FOR THE OFFICE OF MAYOR OR ONE OR MORE COUNCIL SEATS ON OR BEFORE THE 46TH DAY PRIOR TO THE ELECTION AS REQUIRED HEREIN, THEN THE DEADLINE FOR RECEIPT OF CANDIDATE PETITIONS AND AUTHORIZATIONS BY THE CITY CLERK IS EXTENDED TO 5:00 P.M ON THE 36TH DAY PRIOR TO THE ELECTION. No candidacy petitions or authorizations for an individual shall be considered valid unless that individual possesses all the required qualifications for the office sought by said date.

E. * * *

Section 3. BE IT FURTHER RESOLVED that this Charter Resolution is adopted this _____ day of _____, 2011, and that the amendment to the Charter of the City of College Park, hereby proposed by this enactment, shall be and become effective upon the fiftieth (50th) day after its passage by the City unless petitioned to referendum in accordance with Article 23A §13 of the Annotated Code of Maryland within forty (40) days following its passage. A complete and exact copy of this Charter Resolution shall be posted in the City offices located at 4500 Knox Road, College Park, Maryland for forty (40) days following its passage by the Mayor and Council and a fair summary of the Charter Resolution shall be published in a newspaper having general circulation in the City not less than four (4) times, at weekly intervals, also within the forty (40) day period following its adoption by the City.

Section 4. BE IT FURTHER RESOLVED that, within ten (10) days after the Charter Resolution hereby enacted becomes effective, either as herein provided or following referendum, the City Manager for the City of College Park shall send separately, by certified mail, return receipt requested, to the Department of Legislative Services, the following information concerning the Charter Resolution: (i) the complete text of this Resolution; (ii) the

date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Resolution by the Council of the City of College Park or in the referendum; and (iv) the effective date of the Charter Resolution.

Section 5. **BE IT FURTHER RESOLVED** that the City Manager of the City of College Park, Maryland, be, and hereby is specifically enjoined and instructed to carry out the provisions of Sections 3 and 4 as evidence of compliance herewith; and said City Manager shall cause to be affixed to the minutes of this meeting (i) an appropriate Certificate of Publication of the newspaper in which the fair summary of the Charter Resolution shall have been published; and (ii) return receipts of the mailing referred to in Section 3 and shall further cause to be completed and executed the Municipal Charter or Annexation Resolution Registration Form.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 11th day of October 2011.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____ 2011.

EFFECTIVE the _____ day of _____, 2011.

ATTEST:

**THE CITY OF COLLEGE PARK,
MARYLAND**

Janeen S. Miller, CMC, City Clerk

By _____
Andrew M. Fellows, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Suellen M. Ferguson, City Attorney